

July 17, 2003

Exemption No. 6850C  
Regulatory Docket No. FAA-2001-9924

Dr. John K. Lauber  
Vice President, Safety and Technical Affairs  
Airbus North America Holdings, Inc.  
1909 K Street, N.W.  
Washington, DC 20006-1169

Dear Dr. Lauber:

This is in response to your May 20, 2003, letter petitioning the Federal Aviation Administration (FAA) on behalf of Airbus North America Holdings, Inc., (Airbus) for an extension of Exemption No. 6850, as amended. That exemption from § 61.77(a) of Title 14, Code of Federal Regulations (14 CFR) permits Airbus to allow pilots and flight engineers employed by Airbus to be eligible for the issuance of special purpose pilot and flight engineer authorizations, under parts 61 and 65, as appropriate, for the purpose of performing delivery flights of U.S.-registered airplanes between foreign countries and from a foreign country to the United States. The amendment you request would allow Airbus's own pilot flightcrews to be able to ferry Airbus 319, 320, and 321 airplanes that may be repossessed from these U.S. air carrier companies.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of, and amendment to, the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Airbus.

The FAA has considered carefully all the facts presented by Airbus in its petition for renewing and amending Exemption No. 6850.

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As for Airbus's request to renew Exemption No. 6850, the FAA continues to find that the conditions and reasons regarding public interest and safety, presented in the original petition

and the follow-on petition for renewal, remain unchanged. The FAA continues to find the justification for the issuance of Exemption No. 6850, as amended, remains valid with respect to the exemption. Furthermore, the FAA has determined that good cause exists for not publishing a summary of this petition in the Federal Register, because the requested extension of the exemption would not set a precedent.

However, as for Airbus's request to amend its Exemption No. 6850, the rationale that the FAA had stated in issuing the original issuance and follow-on renewal of Exemption No. 6850 was to permit Airbus to assist U.S. air carrier companies (*i.e.*, DHL and US Airways) by ferrying their Airbus 319, 320, and 321 airplanes from Europe to the United States. The FAA's justification for the original issuance and follow-on renewal of Exemption No. 6850 was because it found that these U.S. air carrier companies may not have enough qualified pilots to fly these airplanes, and they needed the assistance from Airbus's pilot flightcrews to help ferry the airplanes to the United States. Now Airbus has stated that it needs additional relief from 14 CFR § 61.77(a) to permit its own pilot flightcrews to be able to ferry airplanes that may be repossessed from these U.S. air carrier companies. This is beyond the scope for issuing the original and follow-on grant of exemption. The FAA believes this runs contrary to the promulgation of 14 CFR § 61.77(a). As the FAA stated in Airbus's original grant of exemption, the purpose of 14 CFR § 61.77(a) is to permit the issuance of a special purpose pilot authorization to a foreign person to perform pilot duties on a civil aircraft of U.S. registry that is being leased to a person who is not a citizen of the United States for carrying persons or property for compensation or hire on that aircraft.

Therefore, as for the petitioner's request to amend Exemption No. 6850 to permit its own pilot flightcrews to be able to ferry Airbus 319, 320, and 321 airplanes that may be repossessed from these U.S. air carrier companies, the FAA finds that the petitioner has failed to show that this amendment would be in the public interest. The FAA finds the petitioner's situation is not unique in comparison to other aircraft manufacturers who are required to comply with the requirements of 14 CFR § 61.77(a) or § 61.3(a). The FAA notes that the petitioner is now requesting its grant of exemption be approved for the third time for an additional 2 more years. The FAA believes that there has been an adequate amount of time for a sufficient number of U.S. pilot personnel to become rated and qualified in the Airbus 319, 320, and 321 airplanes, as appropriate, to operate these airplanes for the purposes requested by Airbus.

In consideration of the foregoing, I find that Airbus's petition for renewing its grant of exemption would be in the public interest. I find that Airbus's petition to amend its exemption to permit its own pilot flightcrews to ferry airplanes that may be repossessed from these U.S. air carrier companies is not in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), the petition of Airbus North American Holdings, Inc., for an exemption

from 14 CFR § 61.77(a) is hereby further amended by extending the expiration date until July 31, 2005, unless sooner superseded or rescinded. The conditions and limitations contained in Exemption No. 6850, as amended, will now read as follows:

1. Each assigned pilot flight crewmember must hold a valid and current foreign pilot license that has been issued by the aeronautical authority of a contracting State to the Convention on International Civil Aviation from which the person holds citizenship or resident status, and that license must contain the appropriate airplanes category, class, instrument rating, and type rating when that pilot exercises the privileges of his or her pilot license under the terms of this exemption.
2. Each assigned pilot crewmember must hold a valid and current foreign medical license that has been issued by the aeronautical authority of a contracting State to the Convention on International Civil Aviation from which the person holds citizenship or resident status when that crewmember exercises the privileges of his or her pilot license under the terms of this exemption.
3. Airbus must furnish the following documentation to those U.S. air carrier companies that it provides pilot services for under the terms of this exemption before commencing any ferry flight operation:
  - (a) The name of each pilot flight crewmember who will be allowed to exercise the privileges of this exemption;
  - (b) Documentation that shows the pilot flight crewmember satisfactorily has accomplished ground and flight training in the airplane type that qualifies that crewmember to perform his or her assigned duties;
  - (c) Photocopies of the each crewmember's pilot license and medical license that shows the crewmember meets the pilot certification standards and medical standards for the issuance of that person's foreign pilot from the aeronautical authority of the contracting State to the Convention on International Civil Aviation where the applicant holds citizenship or resident status; and
  - (d) Documentation that shows the pilot crewmembers meet the recent flight experience requirements of § 61.57(a), (b), and (c) [i.e., daytime takeoff and landing recency in the airplane type, nighttime takeoff and landing recency in the airplane type, and instrument recency in a multiengine airplane].

4. Airbus may not permit the carriage of persons or property for compensation or hire under the terms of this exemption.

Issued in Washington, DC, on July 17, 2003

In an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's Internet-accessible Docket Management System (DMS), located at <http://dms.dot.gov>. This new system enables interested persons to submit, view, and download requests to the DMS in accordance with 14 CFR § 11.63. Future requests should be submitted through this system.

Sincerely,

/s/

Steven W. Douglas  
Acting Director, Flight Standards Service